

Assemblyman **PAUL KORETZ**

Forty-second Assembly District

proudly representing the communities of West Hollywood, Beverly Hills, Los Angeles, Century City, Westwood, Bel Air, Brentwood, West Los Angeles, Hollywood, Hancock Park, Universal City, Studio City, and Sherman Oaks



FOR IMMEDIATE RELEASE
August 27, 2003

Contact: Teresa Stark
916-319-2042
916-715-2203 (cell)

Koretz, Speaker Wesson Tell Condom Manufacturers to Stop Producing Condoms with Spermicide

AIDS & Women's Groups and the CA Department of Health Services Ask FDA to Intervene

Sacramento – At a press conference at the State Capitol today, Assemblyman Paul Koretz (D-West Hollywood) and Assembly Speaker Herb Wesson (D-Culver City) called on the FDA to require manufacturers to cease production of condoms and lubricants containing the spermicide Nonoxynol-9 (N-9).

“We want to affirm today that correct and consistent use of regular condoms is very effective against pregnancy and sexually transmitted infections. However, condoms with spermicide made by Trojan, Durex, and Lifestyles contain a harmful chemical and should be avoided,” said Assemblyman Koretz.

Until recently, N-9 was believed to be an effective chemical barrier against HIV and a variety of other sexually transmitted infections (STIs). Recent studies published by the Joint United Nations Programme on AIDS (UNAIDS), the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and numerous peer-reviewed medical journals have concluded that N-9 not only does not help prevent STIs, it actually increases the risk of contracting HIV, the virus that causes AIDS. One study published in the American Journal of Epidemiology found that women who use N-9 condoms are approximately 3 times more likely to contract a UTI than women who use regular condoms.

“I have known literally hundreds of people who have died from AIDS; and I myself helped establish an aggressive program to distribute N-9 condoms in my hometown of West Hollywood. Sadly, we now know that instead of preventing infection, N-9 actually increases the risk of contracting HIV,” said Koretz.

In an open letter signed by scientists, legislators, AIDS organizations, and women's health groups, condom and lubricant manufacturers are asked to stop producing condoms and lubricants with Nonoxynol-9 spermicide, and retailers are asked to stop selling these products.

After almost a year of quiet negotiation with representatives of the condom industry, Mr. Koretz and Speaker Wesson were infuriated when the manufacturers recently refused to meet with California legislators, representatives of Governor Davis, and state health officials. With scissors, Koretz cut a Trojan condom with spermicide in half.

“Arm & Hammer Company, your Trojan Condoms with N-9 spermicide are making people sick! To the condom industry I say, how dare you continue to produce condom products that increase the risk of HIV! Your industry benefits from millions of public and private funds spent promoting condom use in the effort to prevent HIV infections. How dare you become part of the AIDS problem and not part of the solution!” exclaimed Koretz.

-more-

In a similar letter sent today, the Director of the California Department of Health Services, Dr. Diana M. Bontá, asks the federal Commissioner of Food and Drugs, Dr. Mark B. McClellan, to require manufacturers of N-9 condoms and personal lubricants “to cease the incorporation of N-9 in these products.” Dr. Bontá’s letter also addressed the issue of over-the-counter spermicides used by 4.6% of women who use a birth control method.

Quoting from the California Department of Health Services (CDHS) letter: “Because N-9 has been shown to be moderately effective in preventing pregnancy, CDHS encourages the FDA to retain approval of N-9-containing contraceptive gels, creams, and foams for women at low risk for HIV infection.”

In the press conference, Dr. Nancy Padian, a UCSF Professor and AIDS researcher, outlined the scientific evidence against N-9 condoms and lubricants, and Sonja Herbert, Chair of the National Women’s Health Network spoke about women’s concerns regarding N-9. Michael Weinstein, President of AIDS Healthcare Foundation, described how having N-9 condoms in the marketplace complicates HIV prevention efforts. Also speaking was David Mayer, President of Mayer Laboratories, an Oakland-based condom and lubricant manufacturer that has removed N-9 from its products.

###

Open Letter to the FDA, Condom & Lubricant Manufacturers, and Retailers

We, the undersigned, urge the Federal Food and Drug Administration to require manufacturers to cease production of condoms and lubricants containing the spermicide Nonoxynol-9. We call on manufacturers to voluntarily stop producing condoms and lubricants containing the additive Nonoxynol-9 and ask retailers to stop selling these products to protect the public health and reduce the incidence of HIV/AIDS. Evidence now shows that the addition of Nonoxynol-9 to condoms and lubricants increases users' risk of contracting HIV/AIDS and urinary tract infections (UTIs) and provides no benefit.

Until recently, N-9 was believed to be an effective chemical barrier against HIV and a variety of other sexually transmitted infections (STIs). Recent studies published by the Joint United Nations Programme on AIDS (UNAIDS), the World Health Organization (WHO), the Centers for Disease Control and Prevention (CDC), and numerous peer-reviewed medical journals have concluded that N-9 not only does not help prevent STIs, in some circumstances it actually increases the risk of contracting HIV, the virus that causes AIDS. One study published in the American Journal of Epidemiology found that women who use N-9 condoms are approximately 3 times more likely to contract a UTI than women who use regular condoms.

There are no data to support that condoms with N-9 additive are any more effective as a contraceptive than condoms alone. The WHO has concluded that condoms packaged with N-9 additives offer no more protection against pregnancy or infections than plain silicon lubricated condoms, and stated, "Since adverse effects due to the addition of N-9 to condoms cannot be excluded, such condoms should no longer be promoted."

We are not calling for the removal of over-the-counter vaginal spermicides with Nonoxynol-9 at this time. Over-the-counter spermicides remain an important contraceptive option for women who have a low risk of HIV infection and who choose not to use hormone-based contraceptive methods or for whom such methods are medically contraindicated. Over-the-counter spermicides containing Nonoxynol-9 should remain available with appropriate labeling concerning the increased risk of HIV infection.

We affirm the proven effectiveness of condoms without the additive N-9. Epidemiological studies comparing infection rates among condom users and nonusers have shown definitively that correct and consistent use of latex condoms can prevent the spread of HIV and a variety of other STIs. This protective effect stems from the use of condoms as a physical barrier and has nothing to do with the type of lubrication. However, until condoms with N-9 additive are removed from the market, consumers should understand that a condom lubricated with N-9 is clearly better than using no condom at all.

Finally, we look forward to the FDA approval of a safe, effective microbicide as soon as all necessary review and testing can be completed. We are confident that such a product can be developed, but N-9 is not that product.

Signatories
Open Letter to the FDA, Condom & Lubricant Manufacturers, and Retailers

Legislators

Paul Koretz
Member, California State Assembly

Jackie Goldberg
Member, California State Assembly

Christine Kehoe
Speaker Pro Tempore
California State Assembly

Sheila Kuehl
Member, California State Senate

John Laird
Member, California State Assembly
Herb Wesson
Speaker, California State Assembly

Sally Lieber
Member, California State Assembly

Mark Leno
Member, California State Assembly

John Vasconcellos
Member, California State Senate

Researchers & Scientists

Dr. David Hoos
Mailman School of Public Health
Columbia University, NY

Dr. Nancy Padian
Professor of Obstetrics, Gynecology, & Reproductive
Health
University of California, San Francisco

Dr. Michael Gross
Washington, DC

Michelle Roland, MD
University of California, San Francisco
Positive Health Program at San Francisco General
Hospital

Dr. Alan Stone
Consultant to International Family Health
London, UK

Organizations

AIDS Action
Washington, DC

AIDS Healthcare Foundation
Los Angeles, CA

AIDS Project Los Angeles
Los Angeles, CA

AIDS Research Alliance
West Hollywood, CA

AIDS Services Foundation Orange County
Irvine, CA

American Foundation for AIDS Research (AMFAR)

New York, NY
Being Alive – South Bay
Torrance, CA

Being Alive
West Hollywood, CA

California Abortion & Reproductive Rights Action
League (CARAL)
San Francisco, CA

California Nurses Association
Sacramento, CA

Center for Women's Policy Studies
Washington, DC

Drug Policy Alliance
Los Angeles

Equality California
San Francisco, CA

Feminist Majority Foundation
Beverly Hills, CA

Global Campaign for Microbicides
Washington, DC

Ibis Reproductive Health
Cambridge, MA

International Women's Health Coalition
New York, NY

Los Angeles Gay and Lesbian Center
Los Angeles, CA

Microbicides as an Alternative Solution (MAS)
Folsom, CA

No Limit for Women Project
Yaounde, Cameroon

Our Bodies Ourselves
Boston, MA

Pacific Institute of Women's Health
Los Angeles, CA

Pacific Oaks Medical Group
Beverly Hills, CA

Planned Parenthood Affiliates of California
Sacramento, CA

Planned Parenthood Federation of America, Inc.
New York, NY

Project Inform
San Francisco, CA

Project New Hope – Benton/Dallas
Los Angeles, CA

ReProtect, Inc.
Baltimore, MD

San Francisco AIDS Foundation
San Francisco, CA

Southern California HIV Advocacy Coalition
Whittier, CA

West Hollywood Democratic Club
West Hollywood, CA

Whittier-Rio Hondo AIDS Project
Whittier, CA